



07-24-08

[10191/4036]

JW  
DAC**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Goetz BRAEUCHLE et al.  
Serial No. : 10/553,166  
Int'l. Filing Date: March 3, 2004  
Title : METHOD FOR SPEED CONTROL AND DISTANCE  
CONTROL IN MOTOR VEHICLES  
Art Unit : Not Assigned  
Examiner : Not Assigned  
Confirmation No.: 9072  
Customer No. : 26646

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF  
ABANDONMENT (BASED ON FAILURE TO RECEIVE NOTIFICATION OF  
MISSING REQUIREMENTS PURSUANT TO MPEP 711.03(c)(1))**

SIR:

Applicants hereby petition the Patent Office to withdraw the holding of abandonment of the above-identified application on the grounds that the "Notification of Missing Requirements" mailed on June 5, 2006 was never received from the Patent Office. In the "Notice of Abandonment" mailed on June 23, 2008, Donna S. Greene of the Patent Office indicated that the above-identified application was abandoned because of "Applicants' failure to timely respond to the notification of MISSING REQUIREMENTS within the statutory period of six months from the mailing date of the Notification of Missing Requirements." In response, the undersigned attorney submits the present "Petition to Withdraw Holding of Abandonment."

The undersigned attorney hereby states that the "Notification of Missing Requirements" mailed on June 5, 2006 was not received by Kenyon & Kenyon LLP, and that a search of the file jacket and docket records indicates that the "Notification of Missing Requirements" mailed on June 5, 2006 was not received by Kenyon & Kenyon LLP.

07/25/2008 EEKUBAY1 00000027 110600 10553166

01 FC:1464 130.00 DA

NY01 1559497 v1

Express Mail No. EM 079441523 US

U.S. Pat. App. Ser. No. 10/553,166  
Attorney Docket No. 10191/4036  
Petition To Withdraw Holding Of Abandonment

Attached to this Petition is a copy of the file-jacket data sheet on which the non-received "Notification of Missing Requirements" mailed on June 5, 2006 would have been entered had it been received and docketed.

Also attached to this Petition is a copy of a log showing all incoming mails received from the Patent Office for the relevant period (6/6/06 - 6/20/06) following the mailing of the "Notification of Missing Requirements" due on December 5, 2006 by Donna S. Greene who is in charge of initial patent examination of the above-identified application.

In addition, docket sheets showing all docketed due-date entries for December 5, 2006 (the six-month due date for responding to the "Notification of Missing Requirements" mailed on June 5, 2006) are also attached. The attached file-jacket data sheet, the incoming mail log and the docketed due-date entries for December 5, 2006 all indicate that the "Notification of Missing Requirements" mailed on June 5, 2006 was not received. Accordingly, a favorable decision on this Petition is respectfully requested.

Lastly, Applicants submit herewith the fully executed Declaration and Power of Attorney in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application.

The Commissioner is hereby authorized to charge payment of the surcharge fee of \$130.00 and additional fees to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**. A copy of this letter is enclosed for that purpose.

Respectfully submitted,

Date: 7/23/08 By:   
Gerard A. Messina  
Reg. No. 35,952  
KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Goetz BRAEUCHLE et al.  
 Serial No. : 10/553,166  
 Int'l. Filing Date: March 3, 2004  
 Title : METHOD FOR SPEED CONTROL AND DISTANCE  
           CONTROL IN MOTOR VEHICLES  
 Art Unit : Not Assigned  
 Examiner : Not Assigned  
 Confirmation No.: 9072  
 Customer No. : 26646

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF  
 ABANDONMENT (BASED ON FAILURE TO RECEIVE NOTIFICATION OF  
 MISSING REQUIREMENTS PURSUANT TO MPEP 711.03(c)(I))**

SIR:

Applicants hereby petition the Patent Office to withdraw the holding of abandonment of the above-identified application on the grounds that the “Notification of Missing Requirements” mailed on June 5, 2006 was never received from the Patent Office. In the “Notice of Abandonment” mailed on June 23, 2008, Donna S. Greene of the Patent Office indicated that the above-identified application was abandoned because of “Applicants’ failure to timely respond to the notification of MISSING REQUIREMENTS within the statutory period of six months from the mailing date of the Notification of Missing Requirements.” In response, the undersigned attorney submits the present “Petition to Withdraw Holding of Abandonment.”

The undersigned attorney hereby states that the “Notification of Missing Requirements” mailed on June 5, 2006 was not received by Kenyon & Kenyon LLP, and that a search of the file jacket and docket records indicates that the “Notification of Missing Requirements” mailed on June 5, 2006 was not received by Kenyon & Kenyon LLP.

U.S. Pat. App. Ser. No. 10/553,166  
Attorney Docket No. 10191/4036  
Petition To Withdraw Holding Of Abandonment

Attached to this Petition is a copy of the file-jacket data sheet on which the non-received "Notification of Missing Requirements" mailed on June 5, 2006 would have been entered had it been received and docketed.

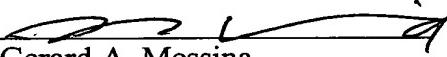
Also attached to this Petition is a copy of a log showing all incoming mails received from the Patent Office for the relevant period (6/6/06 - 6/20/06) following the mailing of the "Notification of Missing Requirements" due on December 5, 2006 by Donna S. Greene who is in charge of initial patent examination of the above-identified application.

In addition, docket sheets showing all docketed due-date entries for December 5, 2006 (the six-month due date for responding to the "Notification of Missing Requirements" mailed on June 5, 2006) are also attached. The attached file-jacket data sheet, the incoming mail log and the docketed due-date entries for December 5, 2006 all indicate that the "Notification of Missing Requirements" mailed on June 5, 2006 was not received. Accordingly, a favorable decision on this Petition is respectfully requested.

Lastly, Applicants submit herewith the fully executed Declaration and Power of Attorney in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application.

The Commissioner is hereby authorized to charge payment of the surcharge fee of \$130.00 and additional fees to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**. A copy of this letter is enclosed for that purpose.

Respectfully submitted,

Date: 7/23/08 By:   
Gerard A. Messina  
Reg. No. 35,952  
KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200